

**Minutes
Windsor Town Council Meeting
Town Hall
March 10, 2009**

The Windsor Town Council met in regular session on March 10, 2009 at 7:00 p.m. in the Council Chamber of the Windsor Town Hall, Windsor, Virginia. Mayor Marvin A. Crocker, Jr. was present, and he called the meeting to order. He welcomed those who were present. He asked for anyone with cell phones to please turn them off. He asked the Clerk to call the roll. Robin Hewett, Town Clerk, recorded the minutes. John L. Rowe, Jr., Interim Town Manager, Police Chief Robert Porti, Michael Stallings, Assistant Town Manager/Planning and Zoning Administrator, and Joshua Pretlow, Jr., Town Attorney were present.

Council members present: Wesley F. Garris
J. Clinton Bryant
William L. Jones
Durwood V. Scott
Greg Willis
Carita J. Richardson

Mayor Crocker asked Councilman Garris to give the invocation. Councilman Garris gave the invocation. Mayor Crocker asked to modify the agenda to have at will. By nod of head, Council agreed to the agenda modification.

Mayor Crocker said before Council is the press release announcing that the Windsor Town Council is placing Michael Stallings, Jr. in an apprenticeship program to train as the Town's next permanent Town Manager. He said over the next several months, Mr. Stallings will apprentice under John L. Rowe, Jr., Windsor's Interim Town Manager with the goal of assuming the full title and full duties of the Town Manager in the late summer or early fall. He said Mr. Rowe is promoting Mr. Stallings to the position of Assistant Town Manager – Planning and Zoning Administrator during this apprenticeship. Mayor Crocker said once Mr. Stallings completes his apprenticeship, Town Council will consider its official appointment of Mr. Stallings as its permanent Town Manager. He said he and Council are very excited about this arrangement, and looks forward to working with Mr. Stallings.

Mayor Crocker said they have conducted a national search for a replacement for Town Manager, and the process proved that the best candidate for the position was already on the Town's staff. He said Mr. Stallings is a very bright public administrator with very sound leadership skills; the fact that he grew up here is a tremendous asset as the Town progresses to the future.

Mayor Crocker said Mr. Stallings apprenticeship starts immediately. He congratulated Mr. Stallings on his new appointment. Council members

expressed their congratulations and encouragement to Mr. Stallings regarding his apprenticeship appointment. Mr. Rowe also commented on Mr. Stallings apprenticeship appointment.

Public Hearings

None

Delegations, Public Comments, and Citizens Concerns

Glen Willis, 24291 Lovers Lane, said he would like to comment on the Holland Meadows subdivision. He said it appears the developer has been hit by the hard times of the changing economic times as well as many others. He said he feels it is appropriate for the Town to work with the developer if there are alternatives for the development, but the Town should not take on the developer's problems.

Mr. Willis said he asked Mayor and Council to remember that they have been elected by the citizens of Windsor to run the Town. He said town staff, including Clerk, Town Manager, and Town Attorney work with others that are elected and the citizens of Windsor. He said Mayor and Council have the responsibility to set direction and lead the Town. He said Mayor and Council as elected officials are professional citizens and know what is best for the Town.

Mr. Pretlow said he wanted to call the attention to any others with the Holland Meadows Subdivision that wish to speak to the Mayor and Council should do so at this time. He said unless Council decides to amend the agenda there will be no other opportunity to speak.

Mayor Crocker asked one last time for anyone else wishing to speak to Council to come forward at this time.

Jim Bradford, 325 Volvo Parkway in Chesapeake, said he is the Vice-President and Director of Planning for an engineering firm, Hassell & Folkes in the Greenbrier area of Chesapeake. He said the Holland Meadows developers have been his clients for over 15 years. He said due to the economic times his client is looking at building \$220,000 homes instead of \$350,000 homes in the as originally proposed. Mr. Bradford said his client wants to provide a much more affordable product construction that requires little or no outdoor maintenance. He said this can with quality be accomplished by reducing the width and the depth of the lots. He said the developers would like to reduce the width from 100 feet to 70 feet and increase the total number of units in the subdivision. He said the developers would like to reduce the depth of the lots to 135 feet. Mr. Bradford said he looks forward to any comments Council has in regards to his clients moving forward with the rezoning process.

Chris Parrish, Director of Engineering, with Art-Ray Corporation said he is present at this meeting to talk about three points of the subdivision which are: traffic, the pump station and storm water management. He said that the engineer's original traffic study for this subdivision was based on 115 units. He said increasing the number of lots to 119 for Holland Meadows would not change the traffic study. Mr. Parrish said he provided Mr. Stallings with a copy of the study. He said the pump station is designed to cover a large area and can accommodate 585 units. He said the pumps are 30horsepower, and they have ample capacity for the 119 units that the developer is proposing. Mr. Parrish said the BMP is regionally located to serve the maximum area of the subdivision. He said the BMP in its design has 50% more capacity than is needed for the subdivision. He said in the design on the rezoning all the storm water management is the same, and the only change is the number of homes proposed for the subdivision. He said the over all design by the client of the subdivision was to fit in other growth within the area at a later time.

Bill Blankenship, Holland Meadows, Inc., 321 Great Bridge Blvd., Chesapeake, said they have submitted a rezoning application to go through the process of the Planning Commission and then Council for a rezoning of the property for the Holland Meadows Subdivision. He said he is looking for some consensus from Council that there is a continued interest in taking a look at what is being proposed in the rezoning of the subdivision. Mr. Blankenship gave Council a copy of the rezoning application which he had submitted to the town. He said also with the application is a copy of additional proffers proposed, and a copy of the subdivision layout. He reviewed the handouts with Council. Mr. Blankenship thanked Council for listening and again asked for some type of consensus from Council to embrace this concept they are proposing with the rezoning of the property.

Consent Agenda

Mayor Crocker asked for approval of the consent agenda, which includes the minutes of the February 10th Council meeting, minutes of the February 24th Council meeting and the Treasurer's reports. Councilwoman Richardson made a motion to approve the consent agenda. Councilman Bryant seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #1.

Interim Town Manager's Report

Holland Meadows Subdivision

Mayor Crocker asked Mr. Rowe to give an overview of the Holland Meadows subdivision. Mr. Rowe said Holland Meadows dates back to at least 2004, when the current property owners started the rezoning process with conditions. He said the property was rezoned effective February 2005 with twelve conditions

which stay with the land. He said the only way the conditions could change is to start the rezoning process all over again. He reviewed the rezoning process with Council. He said the property was rezoned from A-1 to R-1 with the twelve conditions back in February 2005. Mr. Rowe said this item is on the agenda because Council started this discussion at the last Council meeting but did not finish the discussion.

Mayor Crocker asked Mr. Pretlow to advise Council what it needs to do at the present time. Mr. Pretlow said the existing zoning of the property has not changed. He said the developer has filed an application to go before Planning Commission which is currently being advertised for a public hearing. He said at the Planning Commission public hearing any person in the public could speak for or against the rezoning application. Mr. Pretlow said that he urges Council not to have a discussion of this matter tonight, because it would be preempting what Planning Commission may bring to Council. He said it would also be preempting Council's thoughts after having a full change to think about the issue. He said it is nice for Council to get information tonight, but the rezoning application needs to go through the normal process before giving any thoughts. Mr. Pretlow said he would urge Council not to do anything until it has heard all the facts and circumstances to make an informed decision.

Mayor Crocker asked if any Council members had any questions to staff or to the Town Attorney at this time.

Councilman Garriss asked what is allowed in the zoning R1-MHP. Mr. Stallings said R1-MHP is technically the mobile home park zoning. He said the intent of that zoning is to allow for single wide mobile homes. He said this zoning does not preclude single family homes. He said the R1-MHP zoning allows for a smaller lot size than the regular R1 zoning. He said there is nothing in the Town Code that prohibits a single family dwelling in the R1-MHP zoning. Mr. Stallings said the developer chose this zoning to get the lot sizes that worked for their needs.

Councilwoman Richardson asked if the developer could put a mobile home park on the property if it was rezoned to R1-MHP. Mr. Stallings said the developer would not be able to put a mobile home on the property. He said the developer has submitted conditions with his rezoning application that states there would never be a mobile home on the property. Councilman Scott asked if the reason that the developer is applying for the R1-MHP rezoning is because the lot size they are proposing would not fit in the current R1 zoning. Mr. Stallings said yes that is why they are applying for the rezoning.

Councilman Bryant asked how the application for rezoning would affect the current zoning of the property. Mr. Stallings said the rezoning application would not affect the current zoning unless it is approved. He said if the rezoning is denied, the current zoning of the property stays as is.

Council, staff and the Town Attorney discussed the public hearing process for Planning Commission and when it was scheduled to go before the Planning Commission. Mr. Pretlow said the public hearing is being advertised for the March 25th Planning Commission meeting. He invited all of Council to come to the Planning Commission meeting to hear the presentation by the developer and any citizens' comments.

Mayor Crocker requested a 2 minute recess at 8:00 p.m. Mayor Crocker called the Council meeting back in session. He suggested to Council if anyone has any questions regarding the Holland Meadows Subdivision to give them to the Planning and Zoning Administrator or to the Town Manager to address.

Discussion of Article Four of the Proposed New Charter

Mr. Rowe said this is part of Council's continued review of the proposed new Town Charter discussion, and Council is now at the point to discuss Article Four of the proposed Charter. He said he enclosed in the packets a copy of the section of the proposed Charter that you have already reviewed and that have been revised, as well as Article Four for Council's discussion.

Councilman Willis asked if any other town charters had been received for Council to use as a comparison in the discussion process. Mr. Rowe said he has approximately nine different charters. He said eight of the charters are town charters and one is a city charter. He said he has the charters and can get Council a copy of the charters for them to review. Mr. Rowe said he has the following charters: Town of Blacksburg, Town of Clifton Forge, Town of Culpeper, Town of Dumfries, Town of Pulaski, Town of Leesburg, Town of Rocky Mount, Town of Warrenton, and the City of Franklin.

Councilwoman Richardson asked if it was possible to get the copies of the Town Manager section of these charters, and then Council could discuss this matter further at the next Council meeting. Mr. Rowe said that he would send Council this section from the other charters.

Southeastern Public Service Authority (SPSA) – Tipping Fee

Mr. Rowe said this item is for Council's information. He said Southeastern Public Service Authority (SPSA) is considering increasing its tipping fee. He said because of this potential increase in SPSA's tipping fee, Isle of Wight County is considering the adoption of an ordinance that would impose a "refuse disposal fee" on each residence in the County. He said the fee would be the same county-wide. He said the County is considering conducting a public hearing on the proposed ordinance on March 19, 2009. Mr. Rowe said he would provide Council an update on this matter as he receives any further information.

Calendar of Events

Mr. Rowe said that Council has the calendar of events for March and April 2009. He said if Council has any questions regarding the calendar, then he could answer them at this time.

Other

Mr. Rowe said the Chamber's Post-Legislative Breakfast is scheduled for March 27th at 8:00 a.m. at the Windsor Ruritan Building. He asked Council if anyone is interested in attending to let the Town Clerk know so reservations can be made.

Mr. Rowe said before Council is a flyer on the 2009 Hampton Roads Civic Engagement Summit scheduled for April 4th at 8:30 a.m. at Old Dominion University's Virginia Modeling, Analysis and Simulation Center. He said he has registered for this event. Mr. Rowe said there is no cost to attend, but registration is requested. He said there is a website on the flyer to go to for registration. Mayor Crocker said he would like to attend the event.

Mr. Rowe said before Council is a letter from the Virginia Department of Transportation Commissioner regarding down sizing, which includes rest areas, Safety Service Patrols, mowing/roadside maintenance, ferry services, and the consolidation of VDOT residency offices. He said there are two public hearings scheduled for March 16th in Norfolk and March 17th in Dendron. Mr. Rowe said the Windsor VDOT residency would shift to the City of Franklin.

Mr. Rowe said the last item for Council is a budget transfer. He said the cost of insurance for the General Fund that is in our 2008-2009 operating budget is below the actual cost of the insurance by \$747.00. He said he recommends to Council to approve and authorize the transfer of the sum of \$747.00 from budget account number 4-100-12100-6001, Office Operations to budget account number 4-100-12100-5300, Insurance and Bonds.

Councilman Garris made a motion to approve the transfer the sum of \$747 from budget account number 4-100-12100-6001, Office Operations, to budget account number 4-100-12100-5300, Insurance and Bonds. Councilman Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #2.

Police Chief's Report

Chief Porti said the Council agenda package includes the crimes and offenses report for the month of February 2009. He said there were 175 calls for service during the month, of which they responded to 166. Chief Porti said there were a total of 133 traffic stops, which resulted in 155 summons and 27 warnings. He said there was one DUI arrest made through traffic enforcement action. He

reported that there were six felony arrests, resulting in 12 charges, and three misdemeanor arrests, resulting in seven charges.

Chief Porti said on February 27th Windsor Police responded to the Windsor Middle School for two reports of students having overdosed. He said charges are pending for distribution of prescription narcotics.

Town Attorney's Report

No report.

Mayor's Report

Mayor Crocker said himself, the Town Manager, and Police Chief attended a program on crime stoppers at the Consulate Healthcare facility on March 4th. He said he attended the Mayors and Chairs meeting on March 9th.

Fire Department/Rescue Squad Committee

Councilman Willis said he would have the list of officers for the Rescue Squad this week, and he would forward the list to town staff to publish in the town newsletter.

Public Health & Safety/Street Committee

Councilman Bryant asked if there was anything to follow up on Mr. Neblett's remarks from the February 24th Council meeting. Mr. Rowe said there was a VDOT crew examining the concrete at the intersection yesterday. He said VDOT has marked areas of the concrete.

Council discussed the landscaping of the Holland Meadows subdivision and the removal of the silt fence.

Finance Committee

No report.

Personnel Committee

No report.

Utilities/Property/Cemetery Committee

Mr. Rowe said Weeks Engineering is on the job and doing field work. He said they have gotten a preliminary approval from the health department on the new well site.

Parks & Library Committee

No report.

Planning Commission

Mr. Stallings said the Planning and Zoning Report for February is before Council. He said there was one zoning permit issued in February. He said there was one notice of violation for February. He said the violation notice was issued for debris and litter on property located on Shiloh Drive.

Mr. Stallings said the next Planning Commission meeting is scheduled for March 25th at 7:00 p.m. and there will be a public hearing regarding a rezoning application submitted by Holland Meadows.

Economic Development Committee

Councilman Scott said the committee met on March 9th. He said the committee discussed the presentation of the Port Authority. He said the committee also discussed the business appreciation breakfast and the type of recognition they wanted to do for local businesses. He said the committee discussed having a resolution drafted as May 11-16 as National Business Appreciation Week which goes along with the states recognition.

Councilman Scott said he would like to make a motion to set the week of May 11-16 as Business Appreciation Week and to set the date of the breakfast for May 15th. Councilwoman Richardson seconded the motion. After Council discussion, Councilwoman Richardson withdrew her second, and Councilman Scott amended his motion to change the date of the Business Appreciation Breakfast to May 14th. Councilwoman Richardson seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #3.

Mr. Rowe said he would notify the Governor's office of the event. Mayor Crocker asked if he would send the Governor an invitation to the breakfast. Councilman Scott said he would also like to invite the Director of Economic Development of Virginia to the Business Appreciation Breakfast.

Workforce Housing Committee

No report.

Community Center Committee

No report.

Old or Unfinished Business

Mr. Pretlow said the statement of economic interest, he referred to at a previous meeting, does not have to be filed because of the size of the town. He said this does not have to be filed until the population is over 3,500.

Vice-Mayor Jones asked whether a draft ordinance regulating metal building and garages has been drafted. Mr. Pretlow said staff has been directed to do this and he was waiting for Mr. Stallings to return to work to start on the ordinance.

Councilman Willis asked if there was any interest for the Burger King building. Mr. Rowe said there was nothing to report at this time.

Councilwoman Richardson asked the Town Attorney what the status was on the building on North Court Street which is currently boarded up. Mr. Pretlow said the property is being monitored on a daily basis. He said there is no way the owner or police can keep up with the drawings on the property. He said the building is sealed, but the outside of the building is spray painted on a daily basis. Mr. Pretlow said the building is a public nuisance at this point, but has to be brought before court to take action on this issue. Mr. Stallings said he would try to contact the owner of property again on the current issues of the building.

Councilman Scott said there is a sign at the corner of Community Drive and Windsor Blvd which states residential-commercial. He said he believes the property is zoned residential. Mr. Stallings said he contacted the individual and instructed them to remove the sign before he took his paternal leave. He said if the sign is still there he will contact the individual again regarding the removal of the sign.

New Business

None

Vice-Mayor Jones made a motion to adjourn. Councilman Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #4. The meeting adjourned at 9:06 p.m.

Marvin A. Crocker, Jr.
Mayor

Robin Hewett
Town Clerk